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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/017,096	12/13/2001	Kenji Aiyama	83380.0001	6502

26021 7590 06/17/2003

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EXAMINER

HAMDAN, WASSEEM H

ART UNIT PAPER NUMBER

2854

DATE MAILED: 06/17/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Applicati n No.	Applicant(s)	
	10/017,096	AIYAMA, KENJI	
	Examiner	Art Unit	
	Wasseem H Hamdan	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the corresp ndence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-10, 18-20 and 28-31 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 11-17, 21-27 and 32-35 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____. | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Election/Restrictions

1. Applicant's election without traverse of Group II claims 11-17, 21-27 and 32-35 in Paper No. 4 is acknowledged.
2. Claims 1-10, 18-20 and 28-31 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 4.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 11-13, 15, 16, 21-23, 25, 26 and 32-35 are rejected under 35 U.S.C. 102(b) as being anticipated by Freedman (US Patent 4,839,829).

Regarding claims 11, 21 and 32, Freedman discloses a data processing apparatus, a method and computer program executable by a computer of a data processing apparatus capable of communicating with a plurality of image processing apparatuses connected through a network [FIG 1A, column 3, lines 49-54], comprising:

an analyzer [FIG. 1A (10), column 4, lines 25-26; column 12, lines 12-14] for analyzing a print job received through the network [FIG. 1A (22, 24, 44); column 3, lines 56-57];

a manager for managing cost data indicative of costs required for forming images [FIG. 1A (10); column 12, lines 19-42] by the image processing apparatuses; and

a selector [FIG. 1A (10); column 11, lines 61-67] for selecting one of the image processing apparatuses based on a result provided by the analyzer and the cost data managed by the manager [FIG. 1A (10); column 11, lines 11-16].

Regarding claims 12, 22 and 33, Freedman discloses further comprising a transmitter [FIG. 1A (10); column 3, lines 62-63; column 4, lines 1-2; column 4, lines 62-65; column 8, lines 15-20] for transmitting the print Job and an instruction to execute printing of the print Job to the image processing apparatus selected by the selector [FIG. 1A (10); column 11, lines 61-67].

Regarding claims 13 and 23, Freedman discloses the selector selects an image processing apparatus with the lowest cost [FIG. 1A (10); column 11, lines 12-16].

Regarding claims 15 and 25, Freedman discloses wherein the selector uses, as a condition for selecting an image processing apparatus, at least one of a size of paper, a type of paper, whether or not a two-sided printing is conducted, whether or not a binding process is conducted after printing, whether or not a stapling process is conducted after printing, a method of delivery after printing, and the number of prints, which are obtained from the print job by the analyzer [FIG. 1A; column 11, lines 64-68; column 12, lines 1-2 and 19-42].

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Regarding claims 16 and 26, Freedman discloses wherein the selector uses, as a condition for selecting an image processing apparatus, at least one of the number of pages of images and the consumption amount of consumables, which are obtained from the print Job by the analyzer [FIG. 1A; column 1, lines 17-22; column 11, lines 64-68; column 12, lines 1-2 and 19-42].

Regarding claims 34 and 35, Freedman discloses a readable memory that stores the computer program [FIG. 1A (30)].

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 14 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman (US Patent 4,839,829) as applied to claims 11-13, 15, 16, 21-23, 25, 26 and 32-35 above, and further in view of White Publication No. (US 2002/0063887 A1).

Regarding claims 14 and 24, Freedman discloses the essential elements of the claimed invention. However, Freedman does not disclose the print job includes data in portable document format (PDF). White discloses the print job includes data in portable document format (PDF) since the print job PDF format enhances the document and it is also a document cost factor [page 3, sections [0036 and 0039]]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of

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Freedman by including the print job includes data in portable document format (PDF), one having ordinary skill in the art would recognize from white that a portable document format (PDF) would be beneficial for the purpose of enhancing the document and identifying a cost of a print job (processing services) [White: page 3, sections [0036 and 0039]].

4. Claims 17 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Freedman (US Patent 4,839,829) as applied to claim 11-13, 15, 16, 21-23, 25, 26 and 32-35 above, and further in view of Robinson et al. (US Patent 5,850,584).

Regarding claims 17 and 27, Freedman discloses the essential elements of the claimed invention. Freedman discloses wherein the selector uses, as a condition for selecting an image processing apparatus, a rate color image to be formed, which is analyzed by the analyzer [column 1, lines 17-22; column 2, lines 33-35; column 11, l22-26]. However, Freedman does not disclose a black and white image to be formed. Robinson et al. discloses a black and white image to be formed [FIG. 1; column 5, lines 16-19]. It would have been obvious to a person having ordinary skill in the art at the time of the invention was made to modify the teachings of Freedman by including a white image to be formed, one having ordinary skill in the art would recognize from Robinson et al. that a black and white image to be formed would be beneficial for the purpose of having greater image density which can greatly affect the reproducing image quality [Robinson et al.: column 5, lines 25-27] and also in some case it is a cost factor.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Wasseem H Hamdan whose telephone number is (703) 305-3968.

The examiner can normally be reached on M-F (first Friday off) 6:30 AM- 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Andrew H Hirshfeld can be reached on (703) 305-6619. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7722 for regular communications and (703) 308-7724 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-0956.



Wasseem H. Hamdan
May 30, 2003



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